

able. This information can be found in MCI Communications Corporation's FCC Tariff No. 1: Section C3.2119, subsections 9.11 and 9.12, page 1110 (Basic Card rate and surcharges); Section 3.02418, subsection 0248.11, page 369 (Collect rates); and Section 3.0243, footnote No. 2, page 376. In addition, WorldCom's mass markets organization in Pentagon City, Virginia, maintains an online information system called Webster that supports sales and customer service representatives databases and contains information about rates for these WorldCom services that is generally duplicative of the information contained in WorldCom's tariffs.

55. The finance group in WorldCom's mass markets organization in Pentagon City, Virginia, maintains information about revenues and costs of WorldCom services that competed with U S WEST's 1-800-4USWEST service – more specifically, for calling card and collect services. The finance group generally prepares this information on a quarterly basis, and although its files are not necessarily complete, it has some profitability-related information that goes back at least to 1998. Other groups in WorldCom's mass markets organization also maintain documents in this category. Two examples are a December 1999 analysis entitled *1999 Card Performance: Marketing Analysis*, which contains, among other things, information about calling card revenues, minutes, and customers for 1998 and 1999, and a document entitled *1998 Card Performance Analysis* dated January 13, 1998, which contains some similar information. This type of information is proprietary and confidential, and WorldCom would object to producing it except pursuant to an appropriate protective order.

56. WorldCom has copies of publicly available FCC reports containing information about the market shares of interexchange carriers; these reports do not break down this information for specific services included in U S WEST's 1-800-4USWEST service. WorldCom purchased a 1997 study conducted by Frost & Sullivan entitled *U.S. Operator Services and Calling Card*

*Markets* which contains information about the shares of interexchange carriers for operator services and calling cards; WorldCom purchased this study under an agreement that prohibits reproduction and copying. WorldCom also purchased a study conducted by the Yankee Group in 2000 entitled *The 2000 Technologically Advanced Family* that, among other things, contains share information for different providers of calling card services. WorldCom's mass markets organization has also prepared documents that contain estimates of WorldCom's share of certain services. One example is a document entitled *1998 Card Performance Analysis* dated January 13, 1998. WorldCom's own service-specific estimates are proprietary and confidential, and WorldCom would object to producing them except pursuant to an appropriate protective order.

57. WorldCom identifies the following people who have firsthand knowledge of the facts alleged with particularity in this Supplemental Complaint on the basis of each person's role as an officer or employee of WorldCom:

a. Kristin Harrison, Product Manager, WorldCom Calling Card, 701 South Twelfth Street, Arlington, VA 22202. Ms. Harrison manages the group responsible for the marketing of WorldCom's Away From Home services, including calling cards and personal 800 numbers.

b. Matthew Richbourg, Senior Manager - Mass Markets Finance, 701 South Twelfth Street, Arlington, VA 22202. Mr. Richbourg is in the group responsible for financial issues related to WorldCom's international and calling card products.

c. Steven C. Johnson, Vice President, Intelligent Services Network Services and Solutions, 601 South Twelfth Street, Arlington, VA 22202. Mr. Johnson is responsible for operating the operator services and directory assistance functions for the company.

d. James Orrell, Senior Manager, Customer Analysis Information Services, 701 South Twelfth Street, Arlington, VA 22202. Mr. Orrell's responsibilities include reporting on residential and small business customer data for the MCI group.

58. WorldCom selected the persons identified in the preceding paragraph based on their day-to-day responsibilities and subject-matter expertise. These persons are in departments that have responsibility with respect to WorldCom services that compete with the services included in U S WEST's 1-800-4USWEST service.

59. WorldCom is presently unable to identify any individuals affiliated with U S WEST who may have knowledge concerning the facts alleged with particularity in the complaint.

60. WorldCom identifies the following expert witnesses: John H. Landon and David W. Sosa, Analysis Group/Economics, Two Embarcadero Center, Suite 1750, San Francisco, California 94111. Copies of their curriculum vitae are attached to this Supplemental Complaint as Exhibits 2 and 3. Drs. Landon and Sosa will testify that the methodology described in this Supplemental Complaint for the calculation of WorldCom's damages is reasonable and appropriate, and when they obtain the necessary data, they will apply that methodology to the data and determine the amount of WorldCom's damages. Drs. Landon and Sosa are presently unable to identify with greater specificity the information that they will consider in forming their opinions because they have not yet obtained that information, including the information that U S WEST will provide in discovery.

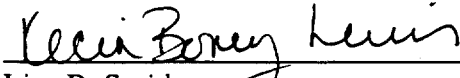
## REQUEST FOR RELIEF

61. WHEREFORE, WorldCom respectfully requests that the Commission award damages to WorldCom in an amount to be determined based on the methodology described above in order to compensate WorldCom for the damages caused by U S WEST's adjudicated violation of section 271 of the Act.

Respectfully submitted,

WORLDCOM, INC.

Anthony C. Epstein  
Omer C. Eyal  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
202-429-8065  
202-429-3902 (fax)

By:   
Lisa B. Smith  
Kecia Boney Lewis  
WORLDCOM, INC.  
1133 Nineteenth Street, N.W.  
Washington, D.C. 20036  
202-736-6270  
202-736-6359 (fax)

Dated: April 17, 2001

# **EXHIBIT 1**

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

MCI TELECOMMUNICATIONS CORPORATION,	)	
	)	
Complainant,	)	
	)	
v.	)	File No. E-97-40
	)	
U S WEST COMMUNICATIONS, INC.,	)	
	)	
Defendant.	)	

**DECLARATION OF KRISTIN HARRISON**

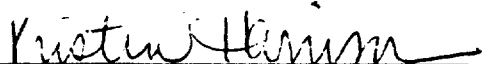
I, Kristin Harrison, declare as follows:

1. I am the Product Manager for the WorldCom Calling Card. I have firsthand knowledge of certain facts alleged in the Supplemental Complaint Concerning Damages submitted by WorldCom, Inc. ("WorldCom") on the basis of my role as an employee of WorldCom.

2. I have carefully reviewed the Supplemental Complaint, and the information in paragraphs 6, 14, 18, 19, 23, and 28 is true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 16, 2001.

  
\_\_\_\_\_  
Kristin Harrison

## **EXHIBIT 2**

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

MCI TELECOMMUNICATIONS CORPORATION, )

Complainant, )

v. )

U S WEST COMMUNICATIONS, INC., )

Defendant. )

File No. E-97-40

**DECLARATION OF DAVID W. SOSA**

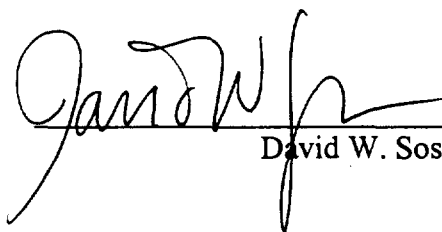
I, David W. Sosa, declare as follows:

1. I am an economist with Analysis Group/Economics. A copy of my curriculum vitae is attached as Exhibit 2 to the Supplemental Complaint Concerning Damages submitted by WorldCom, Inc. ("WorldCom").

2. I have carefully reviewed the Supplemental Complaint, and in particular paragraphs 10-29 concerning the methodology for calculating WorldCom's damages, and in my professional judgment, that methodology is reasonable and appropriate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 16, 2001.

  
\_\_\_\_\_  
David W. Sosa



# **EXHIBIT 3**

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**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

MCI TELECOMMUNICATIONS CORPORATION,

Complainant,

v.

U S WEST COMMUNICATIONS, INC.,

Defendant.

File No. E-97-40

**PROTECTIVE ORDER**

This Protective Order is intended to facilitate and expedite the discovery and review of documents containing trade secrets and commercial or financial information obtained from a person and which is privileged or confidential. It prescribes the manner in which "Confidential Information," as that term is defined herein, is to be treated by the parties. The Order is not intended to constitute a resolution of the merits concerning whether any Confidential Information would be released publicly by the Commission upon a proper request under the Freedom of Information Act or other applicable law or regulation, including 47 C.F.R. § 0.442.

**1. Definitions**

a. *Authorized Representative.* "Authorized Representative" shall mean (i) counsel for the Reviewing Party to this proceeding, including in-house counsel actively engaged in the conduct of this proceeding, and their associated attorneys, paralegals, clerical staff, and other employees, to the extent reasonably necessary to render professional services in this proceeding; (ii) persons, including employees of the Reviewing Party, requested by counsel for the Reviewing Party to furnish technical or other expert advice or service, or otherwise engaged to prepare material for the express purpose of formulating filings in this proceeding; or (iii) any person designated by the Commission in the public interest, upon such terms as the Commission may deem proper. Notwithstanding the foregoing, "Authorized Representative" shall not include any attorney or other person employed by the Reviewing Party who is involved in competitive decision-making, *i.e.*, any employee who participates in or gives advice concerning any of the Reviewing Party's business decisions that could be influenced or affected by Confidential Information. Before obtaining access to any Confidential Information, any Authorized Representative must execute the attached Declaration.

b. *Commission.* "Commission" means the Federal Communications Commission or any arm of the Commission acting pursuant to delegated authority.

c. *Confidential Information.* "Confidential Information" means (i) information provided in discovery or submitted to the Commission by the Submitting Party that has been so designated by the Submitting Party and which the Submitting Party has determined in good faith constitutes trade secrets or commercial or financial information which is privileged or confidential within the meaning of Exemption 4 of the Freedom of Information Act, 5 U.S.C.

§ 552(b)(4); (ii) information provided in discovery or submitted to the Commission by the Submitting Party that has been so designated by the Submitting Party and which the Submitting Party has determined in good faith falls within the terms of Commission orders designating the items for treatment as Confidential Information; and (iii) information that the Commission has allowed to be examined off-site and that otherwise complies with the requirements of this paragraph. Confidential Information includes documents (and copies of documents) containing Confidential Information and information derived from Confidential Information. For purposes of this order, the term "document" means all written, recorded, electronically stored, or graphic material, whether produced or created by a party or another person.

d. *Declaration.* "Declaration" means Attachment A to this Protective Order.

e. *Reviewing Party.* "Reviewing Party" means a party in this proceeding that seeks or obtains access to Confidential Information.

f. *Submitting Party.* "Submitting Party" means a party that seeks confidential treatment of Confidential Information pursuant to this Protective Order.

2. *Claim of Confidentiality.* The Submitting Party may designate information as "Confidential Information" consistent with the definition of that term in paragraph 1 of this Protective Order. The Commission may, *sua sponte* or upon petition, pursuant to 47 C.F.R. §§ 0.459 and 0.461, determine that all or part of the information claimed as "Confidential Information" is not entitled to such treatment.

3. *Procedures for Filing Confidential Information Under Seal.* A Reviewing Party may, in any documents that it files in this proceeding, reference Confidential Information, but only if it complies with the following procedures:

a. Any portions of the pleadings that contain or disclose Confidential Information must be segregated from the remainder of the pleadings;

b. The portions of pleadings containing or disclosing Confidential Information must be covered by a separate letter to the Secretary of the Commission referencing this Protective Order;

c. Each page of any party's filing that contains or discloses Confidential Information subject to this Protective Order must be clearly marked "Confidential Information Included Pursuant to Protective Order, File No. E-97-40 – Do Not Release;" and

d. The confidential portion(s) of the pleading shall be filed under seal the Secretary of the Commission and shall not be placed in the Commission's Public File, unless the Commission directs otherwise (with notice to the Submitting Party and an opportunity to comment on such proposed disclosure). Such confidential portions shall be served under seal. A party filing a pleading containing Confidential Information shall also file a redacted copy of the pleading containing no Confidential Information, which copy shall be placed in the Commission's public files. A Submitting Party of a Reviewing Party may provide to Commission staff

courtesy copies under seal of pleadings containing Confidential Information, so long as the notice required by subsection c of this paragraph is not removed.

4. *Storage of Confidential Information at the Commission.* The Secretary of the Commission or other Commission staff to whom Confidential Information is submitted shall place the Confidential Information in a non-public file. Confidential Information shall be segregated in the files of the Commission, and shall be withheld from inspection by any person not bound by the terms of this Protective Order, unless such Confidential Information is released from the restrictions of this Order either through agreement of the parties, or pursuant to the order of the Commission or a court of competent jurisdiction.

5. *Inspection of Confidential Information.* Confidential Information shall be maintained by a Submitting Party for inspection at a location in Washington, D.C. Inspection shall be carried out by Authorized Representatives upon reasonable notice (generally not to exceed one business day) during normal business hours.

6. *Copies of Confidential Information.* The Submitting Party shall provide a copy of the Confidential Information to Authorized Representatives upon request and may charge a reasonable copying fee not to exceed twenty five cents per page. Authorized Representatives may make additional copies of Confidential Information but only to the extent required and solely for the preparation and use in this proceeding. Authorized Representatives must maintain a written record of any additional copies made and provide this record to the Submitting Party upon reasonable request. The original copy and all other copies of the Confidential Information shall remain in the care and control of Authorized Representatives at all times. Authorized Representatives having custody of any Confidential Information shall keep the documents properly secured at all times.

7. *Procedures for Obtaining Access to Confidential Documents.* Counsel for a Reviewing Party shall provide to the Submitting Party and the Commission a copy of the attached Declaration for each Authorized Representative within five (5) business days after the attached Declaration is executed, or by any other deadline that may be prescribed by the Commission, provided that for any person retained by the Reviewing Party to furnish technical or expert advice or service, counsel for the Reviewing Party shall provide the executed Declaration to the Submitting Party no less than five (5) business days before any such person reviews or has access to any Confidential Information. Each Submitting Party shall have an opportunity to object to the disclosure of Confidential Information to any person retained by the Reviewing Party to furnish technical or expert advice or service. Any such objection must be filed at the Commission and served on counsel representing, retaining or employing such person within three business days after receiving a copy of that person's Declaration. Until any such objection is resolved by the Commission and any court of competent jurisdiction prior to any disclosure, and unless that objection is resolved in favor of the person seeking access, persons subject to an objection from a Submitting Party shall not have access to Confidential Information.

8. *Access to Confidential Information.* Confidential Information shall be made available only to Authorized Representatives and Commission staff and consultants. Consultants under contract to the Commission may obtain access to Confidential Information only if they

have signed, as part of their employment contract, a non-disclosure agreement or if they executed the attached Declaration. Any person with access to Confidential Information shall have the obligation to ensure that access to Confidential Information is strictly limited as prescribed in this Protective Order and Confidential Information is used only as provided in this Protective Order.

9. *Use of Confidential Information.* Persons obtaining access to Confidential Information under this order shall use the information solely for preparation and the conduct of this proceeding and any subsequent judicial proceeding arising directly from this proceeding. Except as provided herein, such persons shall not use or disclose such information for any other purpose, including for competitive business or commercial purposes or in any other administrative, regulatory or judicial proceedings. This shall not preclude the use of any material or information that is in the public domain or has been developed independently by any other person who has not had access to the Confidential Information nor otherwise learned of its contents.

10. *Requests for Additional Disclosure.* If any person requests disclosure of Confidential Information outside the terms of this Protective Order, such requests will be treated in accordance with Sections 0.442 and 0.461 of the Commission's rules.

11. *No Waiver of Confidentiality.* Disclosure of Confidential Information as provided herein by any person shall not be deemed a waiver by the Submitting Party of any privilege or entitlement to confidential treatment of such Confidential Information. The Reviewing Party, by viewing this material, agrees: (a) not to assert any such waiver; (b) not to use Confidential Information to seek disclosure in any other proceeding; and (c) that accidental disclosure of Confidential Information by a Submitting Party shall not be deemed a waiver of any privilege or entitlement.

12. *Subpoena by Courts or Other Agencies.* If a court or another administrative agency subpoenas or orders production of Confidential Information that a Reviewing Party has obtained under terms of this order, the Reviewing Party shall promptly notify the Submitting Party of such subpoena or order. Consistent with the independent authority of any court or administrative agency, such notification must be accomplished such that the Submitting Party has a full opportunity to oppose such production prior to the production or disclosure of any Confidential Information.

13. *Client Consultation.* Nothing in this Protective Order shall prevent or otherwise restrict counsel for the Reviewing Party from rendering advice to their clients relating to the conduct of this proceeding and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on Confidential Information, provided, however, that in rendering such advice and otherwise communicating with such client, counsel shall not disclose Confidential Information except as otherwise authorized in this Protective Order.

14. *Violations of Protective Order.* Should a Reviewing Party that has properly obtained access to Confidential Information under this Protective Order violate any of its terms, it shall immediately convey that fact to the Commission and to the Submitting Party. Further, should such violation consist of improper disclosure or use of Confidential Information, the violating party shall take all necessary steps to remedy the improper disclosure or use. The

violating party shall also immediately notify the Commission and the Submitting Party, in writing, of the identify of each person known or reasonably suspected to have obtained the Confidential Information through any such disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of attorneys from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential Information in this or any other Commission proceeding. Nothing in this Protective Order shall limit any other rights and remedies available to the Submitting Party at law or equity against any party using Confidential Information in a manner not authorized by the Protective Order.

15. *Termination of Proceeding.* The provisions of this Protective Order shall not terminate at the conclusion of this proceeding. Unless otherwise ordered by the Commission or a court of competent jurisdiction, within two weeks after conclusion of this proceeding (which includes any administrative or judicial review), Authorized Representatives of Reviewing Parties shall destroy or return to the Submitting Party all Confidential Information, as well as all copies and derivative materials made. No material whatsoever derived from Confidential Information may be retained by any person having access thereto, except counsel to a party in this proceeding may retain, under the continuing strictures of this Protective Order, two copies of pleadings submitted on behalf of the Reviewing Party and other attorney work product. All Authorized Representatives shall make certification of compliance herewith, and counsel for the Reviewing Party shall deliver these certifications to counsel for the Submitting Party not more than three weeks after conclusion of this proceeding.

16. *Additional Rights Preserved.* The entry of this Protective Order is without prejudice to the rights of the Submitting Party to apply for additional or different protection where it is deemed necessary or to the rights of the Reviewing Party to request further or renewed disclosure of Confidential Information.

17. *Effect of Protective Order.* This Protective Order constitutes an Order of the Commission and an agreement between the Reviewing Party and the Submitting Party.

18. *Authority.* This Order is issued pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), and 47 C.F.R. § 0.457(d), and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

[name]  
Enforcement Bureau

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**Appendix A**

***DECLARATION AND ACKNOWLEDGEMENT OF CONFIDENTIALITY***

I hereby acknowledge that I have received and read a copy of the Protective Order in this proceeding and that I understand it. I agree that I am bound by this Order and that I shall not disclose or use documents or information designated as "Confidential Information" or any information gained therefrom except as permitted by the Order. I understand that Confidential Information shall not be disclosed to anyone except in accordance with the terms of the Protective Order and shall be used only for purposes of the proceedings in this matter. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission, and that this Protective Order is also a binding agreement with the Submitting Party.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this \_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Signature .

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

# **EXHIBIT 4**



**JOHN H. LANDON**  
**Principal**

Phone: (415) 263-2224  
Fax: (415) 391-8505  
jlandon@analysisgroup.com

Two Embarcadero Center  
Suite 1750  
San Francisco, CA 94111

John Landon specializes in the application of economic and statistical principles to firms, industries and markets. His work has spanned many industries including electric and gas utilities, computer equipment, computer software, pharmaceuticals, hospitals, medical implants, publishing, transportation, and manufacturing. He has provided reports and testimony on issues including mergers, antitrust actions, contract disputes, regulatory rule determinations, and labor market disputes.

Dr. Landon has testified more than 100 times before federal district courts, state courts, the Securities and Exchange Commission, the Federal Energy Regulatory Commission, and various state commissions, and has prepared numerous expert reports and affidavits. He has authored or co-authored more than 20 articles published in academic and trade journals, two book chapters, and several monographs. His research areas include electric utilities, labor markets, vertical integration, and technological change.

Prior to joining Analysis Group Economics, Dr. Landon was Senior Vice President at NERA, Inc. Previously, he held positions as Associate Professor of Economics at the University of Delaware and Case Western Reserve University. Dr. Landon holds a Ph.D. in Economics from Cornell University.

**PROFESSIONAL ACTIVITIES**

Member of the Governor of Delaware's Economic Advisory Committee

Director of the Center for Policy Studies at the University of Delaware

A Director of the Delaware Econometric Model Group

Senior Research Associate in the Research Program in Industrial Economics at Case Western Reserve University

Member of the American Economic Association

Associate Member of the American Bar Association

**TESTIFYING EXPERIENCE:**

- **Oklahoma Gas and Electric Company**  
Before the Arkansas Public Service Commission, Docket No. 00-190-U, September 29, 2000.  
(Direct Testimony) October 24, 2000 (Rebuttal).
- **Public Service Company of New Mexico**  
Before the New Mexico Public Regulation Commission, Case No. 3137, May 31, 2000.
- **Eastern Edison Company**  
Before the Superior Court, Commonwealth of Massachusetts, Boston, Massachusetts, on behalf of Eastern Edison Company, March 29, 2000.
- **Florida Power & Light Company**  
Before the Florida Public Service Commission, Docket No. 991462-EU, Petition for determination of need for electrical power plant in Okeechobee County by Okeechobee Company, L.L.C., February 18, 2000. (Direct and Supplemental Testimonies)
- **Sierra Pacific Power Company/Nevada Power Company (Nevada Power)**  
Comments on proposed Code of Conduct rules filed with the State of Nevada Public Utilities Commission, PUCN Docket No. 97-8001 (Provider of Last Resort), January 26, 2000.
- **Ohio Power Company and Columbus Southern Power Company**  
Before the Public Utilities Commission of Ohio, Case Nos. 99-1729-EL-ETP, 99-1730-EL-ETP, December 30, 1999 (Direct Testimony); April 18, 2000 (Supplemental Direct Testimony).
- **Christian Hellwig vs. Autodesk, Inc.**  
Before the Superior Court of the State of California for the County of Marin, Case No. 174842, December 14, 1999.
- **Public Service Company of New Mexico**  
Comments on proposed Code of Conduct rules filed with the New Mexico Public Regulation Commission, NMPRC Case No. 3106, September 27, 1999.
- **Arizona Public Service Company**  
Before the Arizona Corporation Commission, Docket Nos. E-01345A-98-0473, E-01345A-97-0773, and RE-00000C-94-0165, July 21, 1999. (Direct, Rebuttal and Surrebuttal Testimonies)
- **Appalachian Power Company**  
Before West Virginia Public Service Commission in West Virginia PSC Case No. 98-0452-E-GI, July 7, 1999. (Direct and Rebuttal Testimonies)
- **Ameren Corporation and Union Electric Company**  
Comments on behalf of Ameren Corporation and Union Electric Company filed with the State of Missouri Public Service Commission concerning proposed affiliate transactions rules for electric, gas, and steamheating utilities (Proposed Rule 4 CSR 240-20.015) and marketing affiliate rules for gas utilities (Proposed Rule 4 CSR 240-20.016). (Direct Comments filed June 30, 1999 and Reply Comments filed July 30, 1999)

- **GTE Corporation and Bell Atlantic Corporation Merger**  
Before the Public Utilities Commission of the State of California, Application 98-12-005, June 21, 1999. (Report and Rebuttal Testimony)
- **Kathleen Betts v. United Airlines, Inc.**  
Before the United States District Court, Northern District of California, Case No. C97-4329 CW, March 25, 1999.
- **Commonwealth Edison Company**  
Before the Illinois Commerce Commission, Docket Nos. 98-0147 and 98-0148, October 1998. (Direct and Rebuttal Testimonies)
- **The McGraw-Hill Companies**  
Before the United States District Court for the District of Colorado, Civil Action No. 96-Z-1087, October 1998.
- **Nevada Power Company**  
Before the Public Utilities Commission of Nevada, Docket No. 97-5034, September 1998.
- **Arizona Public Service Corporation**  
Before the Arizona Corporation Commission, Docket No. RE-00000C-94-165, August 1998.
- **Arizona Public Service Corporation**  
Before the Arizona Corporation Commission, Docket No. E-01345A-98-0245, July 1998.
- **The Detroit Edison Company**  
Before the Michigan Public Service Commission, July 1998.
- **Delmarva Power & Light Company**  
Before the Maryland Public Service Commission, Case No. 8738, July 1, 1998.
- **Nevada Power Company**  
Before the Public Utilities Commission of Nevada, Docket No. 97-5034, July 1998.
- **Nevada Power Company**  
Before the Public Utilities Commission of Nevada, Docket No. 97-8001, June 1998.
- **Delmarva Power & Light Company**  
Before the Delaware Public Service Commission, PSC Docket No. 97-394F, May 1998.
- **The McGraw-Hill Companies, Inc.**  
Before the District Court, City and County of Denver, State of Colorado, Case No. 96-CV-6977, May 1998.
- **Southern California Edison Company**  
Before the Public Utilities Commission of the State of California, Application Nos. 97-11-004, 97-11-011, 97-12-012, May 1998.
- **Commonwealth Edison Company**  
Before the Illinois Commerce Commission, Docket No. 98-0013, March, 1998. (Direct, Rebuttal and Surrebuttal Testimonies)

- **Arizona Public Service Corporation**  
Before the Arizona Corporation Commission, Docket No. U-0000-94-165, February 4, 1998.
- **Silvaco Data Systems**  
Before the Superior Court for the State of California, November 7, 1997.
- **Entergy Gulf States, Inc.**  
Public Utility Commission of Texas, April 4, 1997 and October 24, 1997.
- **Delmarva Power & Light Company**  
Before the Maryland Public Service Commission, Delaware Docket No. 79-229, August 19, 1997.
- **The McGraw-Hill Companies, Inc.**  
Before the United States District Court for the District of Colorado, Civil Action No. 94-WM-1697, July 17, 1997.
- **Donaldson, Lufkin & Jenrette**  
In the matter of the arbitration between Donaldson, Lufkin & Jenrette Securities Corporation and Lori Zager, NYSE No. 1996-005868, April 11, 1997.
- **Louisiana Pacific**  
Superior Court of the State of California, County of Humboldt, Case No. 94DRO166, February 10, 1997.
- **Hoffmann-La Roche, Inc.**  
Superior Court of the State of California, County of Santa Clara, Case No. CV 746366, February 4, 1997.
- **Arizona Public Service Company**  
Arizona Corporation Commission, Docket No. R-0000-94-165, November 27, 1996.
- **MidAmerican Energy Company**  
Iowa State Utilities Board, Docket No. APP-96-1 and RPU-96-8 (Consolidated), October 30, 1996.
- **California Tennis Club**  
Superior Court of the State of California, County of San Francisco, Case No. 972651, September 27, 1996.
- **El Paso Electric Company**  
United States District Court, District of New Mexico, Civil Action No. 95-485-LCS, July 2 and 3, 1996.
- **Nevada Power Company**  
American Arbitration Association in the matter Saguaro Power Company, Inc. v. Nevada Power Company, AAA Case No. 79 Y 199 0054 95, May 29, 1996.
- **Arizona Public Service Company**  
Arizona Corporation Commission, Docket No. U-1345-95-491, March 1 and April 4, 1996.

- **Fireman's Insurance Companies**  
Insurance Commissioner of the State of California, Case No. RB-94-002-00, February 9, 1996.
- **Nevada Power Company**  
American Arbitration Association in the matter Nevada Cogeneration Associates #1 and Nevada Cogeneration Associates #2 v. Nevada Power Company, AAA Case No. 79 Y 199 0064 95, December 6 and 7, 1995.
- **Beverly Enterprises-California, Inc.**  
Superior Court of the State of California, County of San Francisco, Case No. 962589, November 6 and 7, 1995.
- **PECO Energy Company**  
Pennsylvania Public Utility Commission, Docket No. I-940032, November 6, 1995.
- **Southern California Gas Company**  
Private arbitration panel in the matter Marathon Oil Company v. Southern California Gas Company, May 18, 1995.
- **Southern Company Services, Inc.**  
Federal Energy Regulatory Commission, Docket Nos. ER94-1348-000 and EL94-85-000, November 7, 1994.
- **American Electric Power Service Corporation**  
Federal Energy Regulatory Commission, Docket No. ER93-540-001, August 26, 1994 and January 18, 1995.
- **Florida Power & Light Company**  
Florida Public Service Commission, Docket No. 930548-EG, May 19, May 25 and June 6, 1994.
- **PECO Energy Company and Susquehanna Electric Company**  
Federal Energy Regulatory Commission, Docket No. ER94-8-000, January 21, 1994.
- **El Paso Electric Company and Central & South West Services, Inc.**  
Federal Energy Regulatory Commission, Docket No. EC94-7-000, January 10 and December 12, 1994.
- **Benziger Family Ranch Associates, dba Glen Ellen Winery, et al.**  
Superior Court of California, Sonoma County, Case No. 187834, June 23, 1993.
- **The Montana Power Company**  
Montana Public Service Commission, Docket No. 93.6.24, June 21, 1993 and October 15, 1993.
- **Consumers Power Company**  
Michigan Public Service Commission, Case No. U-10335, May 10, 1993.
- **Detroit Edison Company**  
Michigan Public Service Commission, Case Nos. U-10143 and U-10176, March 1, 1993 and May 17, 1993.

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## **EXHIBIT 5**

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David Sosa specializes in the economics of network industries, law and economics, and industrial organization. He has consulted to telecommunications and electric utility clients on a broad range of litigation and regulatory issues including industry restructuring, technical standardization, operational and financial benchmarking, mergers and acquisitions, market power analysis, and competitive strategy. He has filed expert witness testimony with regard to the proper modeling of regional electric markets, wholesale price forecasts, and consumer benefits from new entry. Dr. Sosa is frequent public speaker and has written several articles for leading journals such as the *Journal of Legal Studies* and the *Michigan Telecommunications and Technology Law Review*. Dr. Sosa is co-chair of the Northern California Chapter of the Federal Communications Bar Association.

Prior to joining Analysis Group/Economics, Dr. Sosa consulted to the California Energy Commission and Telcordia. He also taught financial management and microeconomics at the University of California, Davis, for several years.

**EDUCATION**

Ph.D. in Agricultural & Resource Economics, University of California, Davis.  
Henry A. Jastro Graduate Fellow.  
Dissertation: *Market Failure in Standard Setting: The Case of AM Stereo*.

M.S. in Agricultural & Resource Economics, University of California, Davis.

DEUG in Economics, Université de Grenoble, France.

B.S., Bucknell University.

**PROFESSIONAL ASSOCIATIONS**

American Economic Association

Federal Communications Bar Association

## EXPERT TESTIMONY AND AFFIDAVITS

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## PRESENTATIONS

"Wireless: The Commoditization of Telecom Continues," Presented to the Seattle Wireless Interest Group, Bellevue, Washington, February 2001.

"Explaining Merger Benefits in Newly Deregulated Network Industries," Presented at the Advanced Workshop in Regulation and Competition, 13<sup>th</sup> Annual Western Conference, Monterrey, California, July 2000.

"Revisiting the AM Stereo Proceeding: The Wisdom of the 'Marketplace' Decision," Presented at the 25<sup>th</sup> Annual Telecommunications Policy Research Conference, Alexandria, Virginia, September 1997.

"Consumer Demand and Technical Standards Setting: The Case of AM Stereo," Presented at the Berkeley Symposium on Policy and Strategy for Converging Information Industries, Haas School of Business, University of California at Berkeley, June 1997

"The Impact of Radio Deregulation on Format Diversity and Informational Programming," (with Thomas W. Hazlett), Presented at the Southern Economic Association Meetings, November 1995.

## Certificate of Service

I, Lonzena Rogers, do hereby certify, that on this seventeenth day of April, 2001, I have caused to be served by United States Postal Service first class mail, hand delivery and facsimile, a true and correct copy of WorldCom, Inc.'s Supplemental Complaint, Concerning Damages on the following:

Magalie Roman Salas \*  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Room TW-B204  
Washington, DC 20554

Christopher N. Olsen \*+  
Market Disputes Resolution Division  
Enforcement Bureau  
Federal Communications Commission  
445 Twelfth Street, SW  
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Market Disputes Resolution Division  
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ITS, Inc. \*  
1231 Twentieth Street, NW  
Washington, DC 20036

  
Lonzena Rogers

\* Denotes Hand Delivery

‡ Denotes US Mail

+ Denotes Facsimile